

REMARKS

Claims 11-28 remain in this application. Claims 11, 18 and 20 have been amended while the remaining claims are unchanged. No new subject matter is believed to have been added by this amendment.

In paragraphs 2-4 of the Office Action, the Examiner rejects claims 11-28 under 35 U.S.C. §112 second paragraph as being indefinite and in particular, points out the misspelling of the word “nitroxonium” in line 5 of claim 11 and points out the lack of an antecedent basis for the term “the filter” in lines 1 and 2 of claim 20. Claims 11 and 20 have been amended to correct these deficiencies. Additionally, the spelling of the term “4-acylamino” in line 3 of claim 18 has been corrected.

In paragraph 6 of the Office Action, the Examiner rejects claims 1-8 and 28 under U.S.C. § 102(e) as being anticipated by the teaching of United States Patent No. 6,518,419 to Van Der Lugt, et al. (the ‘419 patent). The Examiner indicates that this rejection may be overcome by a showing under 37 C.F.R. §1.132 that any invention disclosed but not claimed in the ‘419 patent reference was derived from the Inventor(s) of this application and is thus not the invention “by another”. Please find enclosed with this Amendment, a “Declaration Under 37 C.F.R. §1.132” wherein each of the three Inventors in the present application declares that the cited disclosure in the ‘419 patent was conceived or invented by them. As a result, the ‘419 patent does not constitute prior art under 35 U.S.C. § 102(e) and this rejection is made moot.

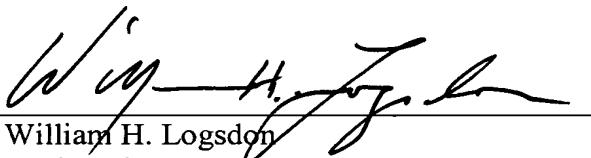
Apart from the removal of this reference as prior art, the Applicants further believe that the present invention is neither taught or suggested from the ‘419 patent. In particular, the ‘419 patent consistently describes a method involving the use of halide or of molecular halogen (see column 1, lines 50-59), all of the Examples as shown in (column 3, line 1), (column 3, lines 21-22), (column 3, line 42), (column 3, line 58), (column 4, line 7), and (column 4, line 23). Even though column 2, line 51 refers to “optionally in the presence of a halide”, there is nothing in the ‘419 patent showing that the exclusion of a halide was contemplated.

On the other hand, the presently claimed process is a halogen-free method as highlighted in claim 11. The significance of the absence of halogen is demonstrated by the membrane strength experiments described in current Example 5. Membranes cleaned with a halogen-free agent (d) had a breaking resistance of 9.05 Newtons, whereas cleaning with halogen-containing agents (b and c) results in breaking resistance of 5.66 and 5.20 Newtons. There is neither a teaching nor a suggestion of eliminating halogen in the '419 patent and as a result the Applicants do not believe that the subject invention is taught or suggested by the teaching of the '419 patent.

Reconsideration and allowance of pending claims 11-28 are respectfully requested.

Respectfully submitted,
THE WEBB LAW FIRM, P.C.

By



William H. Logsdon
Registration No. 22,132
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com